

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

KAREN ZULKOWSKI,

Plaintiff,

vs.

GUILD MORTGAGE COMPANY,

Defendant.

CV 17-147-BLG-TJC

ORDER

Plaintiff Karen Zulkowski brings this action against defendant Guild Mortgage Company (“Guild”), asserting various claims related to Guild’s attempt to foreclose on a trust indenture. Guild has filed a Motion for Summary Judgment (Doc. 4), along with a L.R. 56.1(a) Statement of Undisputed Facts (Doc. 6). Zulkowski filed a response and a L.R. 56.1(b) Statement of Disputed Facts. (Docs. 17, 18.) Her Statement of Disputed Facts was primarily focused on objections to the foundation of various exhibits referenced in and attached to Guild’s Statement of Undisputed Facts. In its reply, Guild submitted the affidavits of Michael Minicilli and James Madsen to establish the foundation for consideration of those exhibits. (Docs. 21-1, 21-2.)

Given that several of the exhibits actually form the basis for Zulkowski’s claims, and several others are copies of publicly recorded documents, Guild may not have anticipated Zulkowski’s objection to the foundation and authenticity of

those documents. The Court will therefore permit the submission of the Minicilli and Madsen affidavits to establish the necessary foundation for the exhibits, and will consider the affidavits in connection with Guild's Motion for Summary Judgment. But, given that the affidavits were submitted with Guild's reply, Zulkowski has not had the opportunity to respond.

Therefore, if she wishes to do so, Zulkowski may file a supplemental Statement of Disputed Facts on or before September 7, 2018, to address the substance of Guild's Statement of Undisputed Facts. In doing so, however, Zulkowski must comply with L.R. 56.1(b), and "pinpoint cite to a specific pleading, deposition, answer to interrogatory, admission or affidavit before the court to oppose each fact." Failure to do so with respect to each factual allegation will be deemed an admission that the fact is true and correct.

DATED this 27th day of August, 2018.



TIMOTHY J. CAVAN
United States Magistrate Judge